

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In re: National Arbitration  
Forum Litigation

CIVIL NO. 09-1949 (PAM/JSM)

This document relates to:  
ALL ACTIONS.

**PRETRIAL SCHEDULING ORDER**

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Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only on formal motion and a showing of good cause as required by Local Rule 16.3.

**Pleadings and Disclosures**

**February 15, 2010**

All motions which seek to amend the pleadings or add parties must be served and filed on or before this date, and shall include a redlined version reflecting the changes contained in the proposed amended pleading. This deadline does not apply to motions which seek to amend the complaint to add a claim for punitive damages. Such motions must be brought on or before the non-dispositive motion deadline.

**Discovery and Non-dispositive Motions**

The discovery period shall be bifurcated into class and merits discovery.

**April 1, 2010**

All class discovery shall be commenced in time to be completed by this date. Each party shall fully supplement all discovery responses in a timely fashion. Any evidence responsive to a discovery request that has not been disclosed before this date, except for good cause shown, shall be excluded from evidence at trial or at a hearing on class certification.

**April 1, 2010**

All non-dispositive motions related to class discovery shall be served and filed by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a

telephone conference with Magistrate Judge Janie Mayeron. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Katherine Haagenson, Calendar Clerk to Magistrate Judge Mayeron, at 651- 848-1190. A reply memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of Magistrate Judge Mayeron no later than 9 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1 and 37.2. When a motion, response, or reply brief is filed on ECF, one paper courtesy copy of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk, Katherine Haagenson, contemporaneously with the documents being posted on ECF.

**May 1, 2010**

Any motion for class certification shall be served and filed on or before this date. Oppositions to class certification motions shall be served and filed **30 days** after this date. Reply memoranda shall be served and filed **15 days** after opposition memoranda are due.

No more than **25** interrogatories (counted in accordance with Rule 33) shall be served by any party.

Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

- October 1, 2010:** Initial identification and reports;
- November 1, 2010:** Rebuttal expert identification and reports;
- November 15, 2010:** Expert depositions complete;
- January 1, 2011:** *Daubert* motions filed;
- February 1, 2011:** Oppositions to *Daubert* motions;
- February 15, 2011:** Replies to *Daubert* motions.

**January 1, 2011** - All discovery on the merits of the case, including expert depositions, shall be commenced in time to be completed by this date. Each party shall fully supplement all discovery responses quarterly in accordance with Fed. R. Civ. P. 26(a). Any evidence responsive to a discovery request that has not been disclosed before the trial date, except for good cause shown, shall be excluded from evidence at trial.

**January 1, 2011** All non-dispositive motions, including those which relate to merits discovery and any request for extension of this Pretrial Scheduling Order, shall be served and filed by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a telephone conference with Magistrate Judge Janie Mayeron. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Katherine Haagenson, Calendar Clerk to Magistrate Judge Mayeron, at 651- 848-1190. A reply memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of Magistrate Judge Mayeron no later than 9 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1 and 37.2. When a motion, response, or reply brief is filed on ECF, one paper courtesy copy of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk, Katherine Haagenson, contemporaneously with the documents being posted on ECF.

**Settlement Conference, Dispositive Motions and Trial**

**May 1, 2011** - All dispositive motions shall be served, filed, and fully briefed by this date. Counsel for the moving party shall call Suzanne Ruiz, Calendar Clerk to Judge Paul A. Magnuson, at 651-848-1156 to schedule the hearing. All dispositive motions shall be scheduled,

filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response, or reply brief is filed on ECF, two paper courtesy copies of the pleading and one paper courtesy copy of all supporting documents shall be mailed or delivered to Calendar Clerk, Suzanne Ruiz, contemporaneously with the documents being posted on ECF. Counsel are forewarned that six to eight weeks advance notice is necessary to place a dispositive motion on the calendar.

Dated: Thursday, October 22, 2009

*s/ Paul A. Magnuson*

Paul A. Magnuson  
United States District Court Judge

Class Discovery Cut-Off

**April 1, 2010**

Merits Discovery Cut-Off

**January 1, 2011**

Non-Disp. Motions

**April 1, 2010**

Disp. Motion Ends

**May 1, 2011**

Trial Date

**July 1, 2011**